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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,186	11/13/2000	Serge Haumont	PM274354	2636
909	7590	01/16/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			GESESSE, TILAHUN	
			ART UNIT	PAPER NUMBER
			2684	4
DATE MAILED: 01/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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6

DATE MAILED:

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**Commissioner for Patents**

**Office Action Summary**

Application No.

09/700,186

Applicant(s)

HAUMONT ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 through 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa et al"Osawa" (5,473,642) in view of DeLuca et al"DeLuca" (5,173,688)

Regarding claim 1,2,11, Osawa discloses a method of controlling a dispatch " point to multipoint" transmission of a message (a request signal containing an assigned logical link) in a mobile communication system (figure 1), comprises: Osawa discloses the message is received, the message is stored in a buffer of the messages to be transmitted (column 2, lines 26-31 and figure 1), the message is scheduled, the message located in the buffer is transmitted according to the predetermined scheduling, includes determining a life time for the message, and expiry of the life time (column 2, lines 35-65 and figures 2a and 2b). Osawa does not teach deleting the message upon expiring . However, DeLuca discloses deleting a message from a memory location when the

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message is useless (column 7, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Osawa and DeLuca in deleting the message from the memory in order to avoid delay of data processing and update the data stored in the memory.

Regarding claim 3, Osawa discloses determining an acknowledgement time for the message to be transmitted as a group call, transmitting the message to the group members (205), waiting for the acknowledgements of the group members during the acknowledgement time (207), checking after the expiry of the acknowledgement time, (column 2, lines 35-65).

Regarding claims 4-5, Osawa discloses receiving the message to be transmitted from another network element, making a report on the successful transmission of the message in response to deleting the message from the buffer, and transmission the report to the another network element (column 2, lines 35-65).

As to claims 6-9, Osawa discloses storing the message also in the buffer of the second network element deleting the message also from the buffer of the second network element in response to the expire of the life time of the message, checking in the second network element after the expiry of the acknowledgement time, whether a predetermined part of the group members has acknowledged the message , and if it has, making a report on the acknowledgements and deleting the message from the buffer of the second network element , if it has not, transmitting the message located in the buffer to the mobile stations from whom an acknowledgement has not been received (column 2, lines 15-65).

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Regarding claims 10, 12-13. A method as claimed in claim 9, characterized by the first network, element being arranged to transmit the message to the group members who did not acknowledge the group message, if these group members become reachable before the life time of the message expires (column 2 lines 26-31).

Regarding claim 14, Osawa discloses means for determining the remaining life time of a message to be transmitted point-to-multipoint, and means for transmitting said message according to the scheduling of the message, if there is still life time left (figure 2)

Regarding claim 15, Osawa discloses means for determining the acknowledgement time for the message to be transmitted as a multipoint group call which has to be acknowledged, means for monitoring the acknowledgements until the acknowledgement time has expired, and means for compiling the acknowledgement as one acknowledgement report (column 2, lines 26-65).

Regarding claim 16, Osawa discloses means for transmitting the message to be transmitted as a multipoint group call which has to be acknowledged during the life time of the message to the group members who are reachable in the destination area of the message and who have not acknowledged the message as received (column 2, lines 26-65)

Regarding claim 17, Osawa discloses a processor which is arranged to carry out software routines and that said means are implemented as software routines, (column 4, lines (26-54 and figure 4A).

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**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang et al (5,566,181) discloses a radio communication system (200) for establishing a communication between communication units using geographically distributed packet duplication s (abstract).


Krebs (5,850,611) discloses a dispatch communication system (100) that includes a system controller (101), multiple base sites (103-105), and a group of communications units (107-11) employs (abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TBG  
January 09, 2004

  
**TILAHUN GESESSE**  
**PATENT EXAMINER**  
Art Unit : 2684

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